

Rule 26, Ariz. R. Crim. P. – Sentencing

Restitution: Purposes of Restitution.....Revised 3/2010

Article 2, § 2.1(A)(8) of the Arizona Constitution states that a crime victim has a right to “receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.”¹ The primary purpose of restitution orders is to make the victim whole, not to punish the defendant or give the victim a windfall. *State v. Ellis*, 172 Ariz. 549, 550, 838 P.2d 1310, 1311 (App. 1992). But restitution has more than one purpose. “The objectives of mandatory restitution are both reparative and rehabilitative in nature: to make the victim whole, and to make the offender recognize the specific consequences of his criminal activity and accept responsibility for those consequences.” *State v. Freeman*, 174 Ariz. 303, 306, 848 P.2d 882, 885 (App. 1993) [citations and internal quotation marks omitted]. Thus, paying restitution to a victim for stolen goods does not give the defendant legal title to those goods. *Id.* However, the defendant cannot be required to pay restitution for the value of property which was recoverable and returnable to its rightful owner. *Id.*

¹ Because juveniles commit “delinquent acts” rather than “criminal offenses,” see A.R.S. § 8-201(10), victims of juvenile offenders were originally not entitled to restitution. However, the statutes now require the juvenile court to order either full or partial restitution to such victims, depending on the juvenile’s ability to pay and whether it would aid in the juvenile’s rehabilitation to pay restitution. See generally A.R.S. §§ 8-341(G), 8-344, 8-345, 8-381; see also *In re Richard B.*, 216 Ariz. 127, 163 P.3d 1077 (App. 2007).